
BZA-1888
BENITO AND LORENA MUÑOZ
Special Exception

MEMO
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, represented by Jason Ramsland of Ball Eggleston, are seeking a special exception to permit the operation of an outdoor rodeo (SIC 7999 – Outdoor Amusement and Recreation Services). The proposed operation would occur up to eight times per year, starting as early as 10 a.m. and ending no later than 10 p.m. The 12 acre property is located at 11902 S 575 E, ½ mile south of State Road 28, 3 ½ miles west of Clarks Hill, in Lauramie 19(SE)21-3. (UZO 3-2)

STAFF COMMENTS:

In May 2013, Ken Brown, the County Building Commissioner and zoning administrator, received citizen complaints stating that a rodeo operation was being held in the southeastern part of the county. Residents were concerned about safety, parking and noise. Then, on June 5, 2013 a meeting was held with APC staff, petitioners, their representative (Jason Ramsland) as well as other county officials. It was determined at this meeting that the continued use would require a special exception. Petitioners indicated that there was another event planned for June 15. County officials agreed to allow the event to take place as long as the special exception was requested for the July meeting. At that time, staff and county officials weren't given the exact location of the property.

When petitioners' representative filed a special exception for the July 24th ABZA meeting on June 26, staff pointed out that some of the property is zoned Agricultural, but most of the property is in the Flood Plain and that the proposed use is not permitted in the FP zoning district. In order to meet the standards of the ordinance, petitioners would have to have a surveyor delineate the floodplain, and submit a revised legal description and site plan.

Two weeks later, Ramsland indicated that he was in the process of engaging a surveyor to delineate the Flood Plain. He did not believe that they would have the necessary legal description or site plan in time for the July meeting and on July 11 requested a one-month continuance to the August 28 meeting; this was the first continuance.

Staff contacted Ramsland by email on July 26 to inquire about the status of the Flood Plain certification, revised site plan and if there were any more planned events (without the benefit of an approved special exception). He stated he would check with his clients and that R.W. Gross has been consulted about delineating the Flood Plain. He then

instructed the surveyor to contact APC for an elevation.

Staff again contacted petitioners' representative on August 8 for any updates. He said he would touch base with R.W. Gross to see if the surveying work has been completed. He thought that it was possible they would be seeking another continuance. The next day, Ramsland contacted staff to let them know that the survey work had not been conducted and inquired if staff had a flood elevation on file for this property. Staff's flood plain manager responded that petitioners will need to contact IDNR for an elevation as we do not have one on file for this location. An email from staff was sent to R.W. Gross relaying this same information. Based on a letter from IDNR, petitioners did not request an elevation until August 13. Then, on August 14 Ramsland requested the second and final continuance to the September hearing.

Early in September, staff contacted petitioners' representative for an update because this was the last continuance for petitioners. He responded that they are still waiting on an elevation from IDNR. Petitioners' surveyor forwarded an email from IDNR that indicated the legal description that Ramsland submitted to IDNR did not include the entire parcel, only property already out of the Flood Plain zone.

Finally, staff contacted Ramsland to let him know that the case must either be withdrawn or staff would recommend a dismissal because the Flood Plain has not been delineated and removed from the legal description and staff does not have a suitable site plan. At the time of writing this report, petitioners' representative has not withdrawn the case on his own accord. Staff must recommend dismissal.

STAFF RECOMMENDATION

Dismissal